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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,518	08/15/2001	Christopher E. Woods	102138-200	2145

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WIGGIN AND DANA LLP
ATTENTION: PATENT DOCKETING
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EXAMINER

POPHAM, JEFFREY D

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/930,518

Applicant(s)

WOODS ET AL.

Examiner

Jeffrey D. Popham

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Remarks

Claims 14-24 are pending.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/4/2006 has been entered.

Response to Arguments

2. Applicant's arguments, see Remarks, filed 5/4/2006, with respect to the rejection(s) of claim(s) 14 under 35 U.S.C. 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made with Brisebois (U.S. Patent 6,330,550) in view of Watson (U.S. Patent 5,303,244), Bradshaw (U.S. Patent 5,835,722), TheCode ("The Code of Fair Information Practices", 7/1972, HEW Advisory Committee on Automated Data Systems, pp. 1), and/or P3P ("P3P Guiding Principles", 7/21/1998, pp. 1-5)

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 14-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Brisebois (U.S. Patent 6,330,550).

Regarding Claim 14,

Brisebois discloses a method for a host (profile server) to provide known data about an entity (user) to a third party (company/web site) pursuant to the entity's authorization, comprising:

The entity pre-registering private information with the host (Column 3, lines 29-40; and Column 4, lines 21-44);

Providing a means for the entity to identify to the third party the host to contact for access to the private information and for the third party to recognize the entity as a member of a service of the host (Column 4, line 37 to Column 5, line 3);

Responsive to the recognition, the host receiving a request from the third party for specific information about the entity (Column 5, lines 4-10);

The host surveying at least one data repository for the specific information about the entity (Column 5, lines 10-20);

The host displaying the specific information about the entity to the entity and requesting authorization from the entity to provide at least a portion of the specific information to the third party (Column 5, lines 10-62); and

Responsive to an opting in of the entity, the host providing at least a portion of the specific information to the third party (Column 5, lines 21-60).

Through rules stored within the user profile tag, the profile server knows how to contact the user in order to obtain authorization for information to be sent to the company. The server will contact the user through email, telephone, fax, etc. and the user will specify whether to allow information to be sent to the requesting company or not by confirming the transaction, and specifying what information can be sent (credit card information, address, email address, phone number, etc.).

Regarding Claim 15,

Brisebois discloses that the host, the entity, and the third party are interconnected via an integrated network of computers (Column 2, lines 43-52).

Regarding Claim 16,

Brisebois discloses that the third party is provided with an indication that the entity is a member of the service of the host via digitally transmitted data (Column 4, line 37 to Column 5, line 3).

Regarding Claim 17,

Brisebois discloses that the digitally transmitted data is a cookie embedded within the entity's computer's memory (Column 4, lines 46-55).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brisebois in view of Watson (U.S. Patent 5,303,244).

Regarding Claim 18,

Brisebois does not disclose that the specific information is located on a plurality of non-related databases.

Watson, however, discloses that the specific information is located on a plurality of non-related databases (Column 2, line 39 to Column 3, line 4). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the fault tolerant disk drive matrix of Watson into the e-commerce system of Brisebois in order to reconstruct lost data if any drive fails, without forcing the user to input the data again.

Regarding Claim 19,

Brisebois as modified by Watson discloses the method of claim 18, in addition, Watson discloses that not one of the non-related databases contains all of the specific information (Column 2, line 39 to Column 3, line 4).

Regarding Claim 20,

Brisebois as modified by Watson discloses the method of claim 18, in addition, Brisebois discloses that the host further classifies the specific information into a plurality of categories and the entity may opt to provide information classified within one or more of the plurality of categories (Column 4, lines 21-37).

Regarding Claim 21,

Brisebois as modified by Watson discloses the method of claim 20, in addition, Brisebois discloses that the categories are selected from the group including permission and privacy information, contact information, descriptive information, preference information, and account information (Column 3, line 29 to Column 4, line 37).

Regarding Claim 22,

Brisebois as modified by Watson discloses the method of claim 21, in addition, Brisebois discloses that the host further provides services selected from the group consisting of managing and editing permission levels, tracking subscription to email letters and notifications, entering and editing personal profile information and client or business information,

recording and updating delivery information, and controlling and monitoring email and access provided to children (Column 3, line 29 to Column 4, line 37; and Column 6, line 33 to Column 7, line 27).

5. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brisebois in view of Watson, further in view of Bradshaw (U.S. Patent 5,835,722).

Brisebois as modified by Watson discloses the method of claim 21, in addition, Brisebois discloses that the host further provides services selected from the group consisting of managing and editing permission levels, tracking subscription to email letters and notifications, entering and editing personal profile information and client or business information, and recording and updating delivery information, (Column 3, line 29 to Column 4, line 37; and Column 6, line 33 to Column 7, line 27); but does not explicitly disclose controlling and monitoring email and access provided to children.

Bradshaw, however, discloses tracking subscriptions to email letters and notifications (Column 11, line 60 to Column 12, line 2), and controlling and monitoring email and access provided to children (Column 5, lines 26-41; and Column 6, lines 56-59). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the content control system of Bradshaw into the e-commerce system of Brisebois as modified by Watson in order to allow the system to detect and prevent unwanted access to certain information, at the control of an authority (such as a parent or supervisor).

6. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brisebois in view of TheCode ("The Code of Fair Information Practices", 7/1972, HEW Advisory Committee on Automated Data Systems, pp. 1) and P3P ("P3P Guiding Principles", 7/21/1998, pp. 1-5).

Regarding Claim 23,

Brisebois discloses that if the third party does not conform to conditions of the host, after being granted access to specific information of the entity, that third party will be blocked from further communications (Column 6, line 33 to Column 7, line 27), but does not explicitly disclose that the third party must conform to conditions of the host prior to being granted access to any of the specific information.

TheCode, however, discloses that the third party conforms to conditions of the host prior to being granted access to any of the specific information (Numeral 5). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the code of TheCode into the e-commerce system of Brisebois in order to preserve trust between the host and the user, as well as protect privacy of the user (P3P, Page 2, Paragraph 1).

Regarding Claim 24,

Brisebois as modified by TheCode and P3P discloses the method of claim 23, in addition, TheCode discloses that the conditions of the host include responsible use of personal information (Numeral 5).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Popham whose telephone number is (571)-272-7215. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571)272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jeffrey D Popham
Examiner
Art Unit 2137


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER